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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,507	01/25/2000	Takumi Mizokawa	10269/3	7222

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60611

EXAMINER
BRATLIE, STEVEN A

ART UNIT	PAPER NUMBER
3652	

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
490507	MIZOKAWA, et al
Examiner	**Group Art Unit**
BRATLIE	3652

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on 6/2/03.

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above claim(s) 14-19 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____.

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of References Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

1. Applicant's arguments filed June 2, 2003 have been fully considered but they are not deemed to e persuasive. Applicant's attention is invited to col.5 lines 59-61 of Tateyama et al. This is readable on applicants claim language of claim 1 (Springs Window Fashions LP V. Novo Industries L.P. 65 US PQ 2d 1826, 1830).

It is within the purview of 35 U.S.C. 103 to select features from the prior art to effect results expected from these features (In re Skoner et al, 186 USPQ 80). Moreover, in evaluation such references, it is proper to take into account not only the specific teachings of the references but also the inferences which one skilled in the art would reasonably be expected to draw therefrom (In re Preda 159 USPQ 342; In re Heldt 167 USPQ 676). The test for obviousness is not whether the feature of one reference may be bodily incorporated into the other to produce the claimed subject matter but simply what the combination of references makes obvious to one of ordinary skill in the pertinent art (In re Keller, 208 USPQ 871).

2. Determinations of obviousness take into account the collective teachings of the prior art and level of ordinary skill in the art. The claimed subject matter takes into account only knowledge which a person having ordinary skill in this art would find obvious with the references relied upon by the examiner (In re McLaughlin 170 USPQ 209). The issue of obviousness is not only determined by what the references expressly state but also is determined by what they would fairly suggest to those of ordinary skill in the art (In re Delisle 160 USPQ 806; In re Bozek 163 USPQ 545). It is noted that skill, not the converse, is presumed on the part of those practicing in the art (In re Sovish 226 USPQ 771) and the conclusion of obviousness can be made from

"common sense" of the person of ordinary skill in the art (In re Bozek 163 USPQ 545). Since the claimed subject matter would have been obvious from the references, it is immaterial that the references do not state the problem or advantage ascribed by applicant (In re Wiseman 201 USPQ 658).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Tateyama et al in view of WO 98/19333, Hansen et al and Miller.

Tateyama et al disclose a substantially similar wafer conveyance system, note Figs. 4-6 for example: Tateyama et al lack the specific conveyor and position detection for the robot. WO 98/19333 discloses a conveyance system including guide rail #44, robot #41 and linear motor #45, see figure 3.

Hansen et al disclose the use of a position detector #91 (column 17 lines 43+) for the linear motor robot or rail #66. Miller discloses the use of position sensors for the

robot on the guide rails (col. 8, lines 10-28). It would have been obvious to a mechanic with ordinary skill in the art at the time the invention was made to provide a position detection system to the primary reference. The motivation is to control the location of the robot. The use of the specific conveyor is merely the substitution of equivalents.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Bratlie whose telephone number is (703) 308-2669. The examiner can normally be reached on Mondays through Thursday from 6:30 to 5:00. Friday is the examiner's day off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Steven A. Bratlie

STEVEN A. BRATLIE
PRIMARY EXAMINER